

October 26, 1937

Minutes of the Two Hundred Fortieth Special Meeting of the State Highway Commission, held in the State Highway Building, with the following Members being present:

Robert Lee Bobbitt	Chairman
John Wood	Member
Harry Hines	Member
Julian Montgomery	State Highway Engineer

14318 Motion by Judge Bobbitt, seconded by Mr. Wood, that a special meeting of the State Highway Commission was opened at 9:00 A. M. October 26, 1937.

14319 WHEREAS, in 1929 and 1930, the Texas Highway Commission acting with the Highway Commission of Oklahoma made numerous efforts to purchase the toll bridge, approaches and franchises crossing the Red River, between Denison, Grayson County, Texas, and Durant, Bryan County, Oklahoma, from the Red River Bridge Company of Texas at a price that was mutually satisfactory and within the legal ability of the States to pay, but were unsuccessful in such efforts. The Highway Commission of Texas did, however, in July 1930 enter into two contracts with the Red River Bridge Company of Texas, owner of such bridge, approaches and franchises, which contracts provided, among other things, for the purchase of said toll bridge, approaches and franchises; and

WHEREAS, it appearing to the Commission from Department records and other sources that said contracts were entered into in good faith by all of the parties thereto; that compliance with the terms thereof was defeated only by a technicality committed inadvertently by the then Commission; and that as the result of the failure of the State to comply with the terms of such contracts, the State of Texas received valuable property rights and privileges from the Bridge Company without consideration and the Bridge Company suffered the loss of such rights and privileges for which it has not been compensated; and

WHEREAS, it further appearing to the Commission that it was the honest intent and purpose of the then Commission to abide by and fulfill all of the terms of such contracts until estopped from so doing by judgment of the District Court of Travis County, Texas, which judgment was based upon technical grounds, and did not take into consideration the legal or equitable rights of the toll bridge owner to compensation for its losses inadvertently suffered at the hands of the State Highway Commission; and

WHEREAS, the Forty-fourth Legislature, in 1935, at Regular Session, passed House Bill No. 674 granting the Highway Commission authority to purchase the bridge, approaches and franchises from the Red River Bridge Company of Texas with full knowledge of the fact that it was designed to authorize the Highway Commission to purchase said bridge, approaches and franchises in order that the Red River Bridge Company of Texas would in a measure, be paid its damages; and

WHEREAS, it being made known to the Commission that more than 1,000 vehicles per month are now paying toll for the use of the toll bridge owned by the Red River Bridge Company of Texas, even though it is located near the free bridge on State Highway No. 6, the Commission believes that the toll bridge if acquired and freed of toll, would be of considerable benefit and value to the people of Texas and Oklahoma; now, therefore,

BE IT ORDERED by the Highway Commission that in view of the fact that in acquiring the bridge of the Red River Bridge Company and freeing it of tolls, the people of Texas and Oklahoma will thereby be greatly benefited, and that further in so doing, the honest intention and purpose of the Commission at the time of the construction of the present free bridge will be carried out, and a great injustice to the Red River Bridge Company in some degree righted, that the sum of \$50,000.00 be hereby appropriated out of State Highway funds to the Red River Bridge Company of Texas in full payment for all of its right, title and interest in and to said bridge and approaches and franchises conditioned however that the Attorney General be requested to and does approve all phases of the transaction. The State Highway Engineer is directed to take any and all further steps necessary to carry out the desires of this Commission as expressed in this order.

October 26, 1937

14320

In Polk County, on State Project No. 890-B (Specht and O'Neal Contract) it is ordered by the Commission that \$2,422.00 be paid to J. W. Sessions, which payment is in accordance with judgment rendered in Cause No. 3109, on September 29, 1937, by the Court of Civil Appeals for the Ninth Supreme Judicial District of the State of Texas at Beaumont, Texas, in case styled State of Texas, Plaintiff in Error vs. J. W. Sessions, Defendant in Error.

It is further ordered that delivery of warrant for \$2,422.00, shall be subject to the approval of the Attorney General's Department as to the disposition of above Cause as provided and that the Attorney General's Department is hereby requested to take such steps as may be necessary to have above described judgment released.

A.F.E. 37-450

14321

It is ordered by the Commission that the State Highway System as approved on March 19, 1930 and as subsequently modified, be further<sup>modified</sup> to include the following described highway:

From Bremond via Franklin and Wheelock to a connection with the old San Antonio Road near Wheelock.

14322

In Webb County, on bids received October 8, 1937 contract for construction of concrete pavement in Laredo, a distance of 1.006 miles, on State Highway No. 2, Control 18 Section 6 Job 8 NRM 165-E (1934) is awarded to H. B. Zachry Company, Laredo, Texas for \$63,131.17, which is the lowest and best bid.

14323

Motion by Judge Bobbitt, seconded by Mr. Wood, that the special meeting of the State Highway Commission was closed at 11:30 A. M., October 26, 1937.

APPROVED:

\_\_\_\_\_  
State Highway Engineer

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Member

*John Wood*  
\_\_\_\_\_  
Member

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official orders of the State Highway Commission at its Two Hundred Fortieth Meeting (a Special Meeting) held at Austin, Texas, on October 26, 1937.

*M. L. Wigginton*  
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SECRETARY

TEXAS STATE HIGHWAY COMMISSION